

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 760  
SENATE BILL 758

AN ACT TO CLARIFY THE DESIGNATION OF CERTAIN OFFICIAL LICENSE PLATES ISSUABLE ON REQUEST TO THE JUDICIARY, TO SET A UNIFORM RENEWAL DATE FOR SPECIAL REGISTRATION PLATES ISSUED TO AMATEUR RADIO OPERATORS, AND TO AUTHORIZE THE USE OF A HANDICAPPED IDENTIFICATION CARD FOR VEHICLES THAT TRANSPORT THE HANDICAPPED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-81(3) reads as rewritten:

"(3) Judicial. – Official plates issued to the judiciary shall be issued as follows:

- a. Appellate division. – Official plates that shall be issued upon request to the Chief Justice and Associate Justices of the Supreme Court of North Carolina and the Chief Judge and Associate Judges of North Carolina Court of Appeals shall bear the letter 'J' followed by numerical designation from 1 through 19. The Chief Justice upon request shall be issued the plate bearing number 1 and the remaining plates shall first be issued upon request to the Associate Justices on the basis of seniority. The Chief Judge shall be issued upon request the next such judicial plate and the remaining plates shall be issued upon request to the Associate Judges on the basis of seniority. Retired members of the Supreme Court and the Court of Appeals shall receive an official plate upon request similar in every respect to the plate issued to the regular justices and judges bearing the numerical designation of his or her position of seniority at the time of retirement except that the numerical designation shall be followed with the letter 'X'. Official plate J-20 may be issued upon request to the Director of the Administrative Office of the Courts.
- b. Superior court. – Official plates shall be issued to the various senior resident superior court judges upon request and shall bear the letter 'J' followed by a numerical designation which for a district as defined in G.S. 7A-41.1(a) shall be equal to the sum of the numerical designation of their respective judicial districts plus 20. Where there is more than one regular resident superior

court judge for such a district, official plates shall upon request be issued to other resident judges of the district similar to the official plate to be issued upon request to the senior resident superior court judge of the district except the numerical designation on each subsequent plate shall be followed by a hyphen and a letter of the alphabet beginning with the letter 'A', which shall be indicative of the recipient's position as to seniority. The numerical designation for the senior resident superior court judge for a set of districts as defined in G.S. 7A-41.1(a) shall be equal to the sum of 20 plus the numerical designation which the districts in the set have in common and shall be followed by no letter, and the numerical designation for each other regular resident superior court judge of the set of districts shall have the same numerical designation as that of the senior resident superior court judge and shall be followed by a hyphen and a letter of the alphabet beginning with the letter 'A' which shall indicate the recipient's position as to seniority among all of the regular resident superior court judges of the set of districts and shall not necessarily correspond with the letter designation of the superior court district established under G.S. 7A-41 for which he is a resident judge, provided that in the set of districts 7B and 7C, the senior resident superior court judge for that set shall be issued on request an official plate bearing the designation ~~27BC-27C~~ following the letter 'J', and all other resident superior court judges of the set shall be issued on request an official plate bearing that designation followed by a ~~hyphen and a letter of the alphabet beginning with the letter 'A'~~ indicating that judge's position as to seniority among all the regular resident superior court judges of that set the letter 'B'. Special judges and emergency judges of the superior court shall be issued an official plate bearing the letter 'J' with a numerical designation as designated by the Administrative Office of the Courts with the approval of the Chief Justice of the Supreme Court of North Carolina. Retired judges shall be issued a similar plate except that the numerical designation shall be followed by the letter 'X'.

- c. North Carolina district court judges. – An official plate shall be issued upon request to each chief judge of the district courts of North Carolina which shall bear the letter 'J' followed by a numerical designation equal to the sum of the numerical designation of their respective district court districts plus 100 and all other judges of the district courts serving within the same district court district shall, upon request, be issued an official plate bearing the same letter and numerical designation

as appears on the official plate issued to the chief district judge of the district court district except that on each subsequent official plate issued within a district, the numerical designation shall be followed by a letter of the alphabet beginning with the letter 'A' which shall be indicative of the recipient's position as to seniority. Retired judges shall be issued a similar plate except that the numerical designation shall be followed by the letter 'X'.

- c1. Clerks of Superior Court. – Official plates shall be issued upon request to the various clerks of superior court which plate shall bear the words 'Clerk Superior Court', followed by the numerical designation of their respective counties in alphabetical order, beginning with 100 and preceded by the letter 'C'.
- d. District attorneys. – Official plates shall be issued upon request to the various district attorneys which plates shall bear the letters 'DA', followed by a numerical designation indicative of their prosecutorial district.
- e. United States judges. – Official plates shall be issued upon request to Justices of the United States Supreme Court, Judges of the United States Circuit Court of Appeals and to the District Judges of the United States District Courts residing in North Carolina and shall bear the words 'U.S. Judge', followed by a numerical designation beginning with the number '1' which shall be indicative of the judge's seniority position as to the date he began continuous service as a United States Judge as designated by the Secretary of State. Retired judges and judges who have taken senior status shall be issued similar plates except that the numerical designation shall be based upon the date of such retirement or assumption of senior status and shall follow the numerical designation of active justices and judges.
- f. United States attorneys. – Official plates shall be issued upon request to the United States Attorneys, which plates shall bear the letters, 'U.S. Attorney', followed by a numerical designation indicative of their district, with 1 being the Eastern District, 2 being the Middle District, and 3 being the Western District.
- g. United States marshals. – Official plates shall be issued upon request to the United States Marshals, which plates shall bear the letters, 'U.S. Marshal', followed by a numerical designation indicative of their district, with 1 being the Eastern District, 2 being the Middle District, and 3 being the Western District."

Sec. 2. G.S. 20-81.1 reads as rewritten:

**"§ 20-81.1. Special plates for amateur radio operators.**

(a) Every owner of a motor vehicle who holds an unrevoked and unexpired amateur radio license of a renewable nature, issued by the Federal Communications Commission, shall, upon payment of the required registration and licensing fees for such vehicle as required by law and an additional initial fee of ten dollars (\$10.00), fee and proof of purchase of a portable radio unit, be issued plates of similar size and design as the regular registration plates provided for by G.S. 20-63 or other provisions of law, upon which shall be inscribed, in lieu of the usual registration number, the official amateur radio call letters of such persons as assigned by the Federal Communications Commission. ~~No additional fee may be required to renew a special plate issued under this section, upon proof of purchase of a portable radio unit by the vehicle owner. The fee for a special plate under this section is the fee that would otherwise be payable under G.S. 20-87, plus an additional fee of ten dollars (\$10.00) when the plate is first issued and every fifth year after the plate is issued. Special registration plates issued under this section expire on June 30 of each year and are renewable through the use of annual renewal stickers in the same manner as regular registration plates are renewed.~~

(b) Application for special registration plates shall be made on forms which shall be provided by the Division of Motor Vehicles and shall contain proof satisfactory to the Division that the applicant holds an unrevoked and unexpired official amateur radio license and shall state the call letters which have been assigned to the applicant. The special registration plates shall provide for call letters with numerical or letter suffixes so that an owner of more than one vehicle may have the call letters on each. ~~Applications must be filed prior to 60 days before the day when regular registration plates for the year are made available to motor vehicle owners.~~

(c) If the amateur radio license of a person holding a special plate issued pursuant to this section shall be canceled or rescinded by the Federal Communications Commission, such person shall immediately return the special plates to the Division of Motor Vehicles and receive a regular plate at no charge. ~~Special registration plates issued pursuant to this section shall be valid for five years and shall be renewed through the use of annual renewal stickers in the same manner as regular registration plates are renewed."~~

Sec. 3. G.S. 20-37.6 reads as rewritten:

**"§ 20-37.6. Handicapped; drivers and passengers; parking privileges.**

(a) Any vehicle driven by or transporting a person who is handicapped as defined by G.S. 20-37.5 or transporting a person who is visually impaired as defined by G.S. 111-11, as certified by a licensed ophthalmologist, optometrist, or Division of Services for the Blind, may be parked for unlimited periods in parking zones restricted as to the length of time parking is permitted. This provision has no application to those zones or during times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Any qualifying vehicle may park in spaces designated by aboveground markings as restricted to vehicles distinguished as being driven by or as transporting the handicapped or as transporting the visually impaired.

(b) Handicapped Car Owners; Distinguishing License Plates. – If the handicapped or visually impaired person is a registered owner of a vehicle, this vehicle

may display a distinguishing license plate. This license plate shall be issued for the normal fee applicable to standard license plates. Any vehicle owner who qualifies for a distinguishing license plate may also receive ~~up to two distinguishing placards as provided for in G.S. 20-37.6(e)~~ a combination of two distinguishing placards or identification cards under subsection (c).

(c) Handicapped Drivers and Passengers; Distinguishing Placards or Identification Cards. – A person who is either handicapped or visually impaired may apply for issuance of a distinguishing placard or a wallet-size identification card to be designed by the Division of Motor Vehicles of the Department of Transportation, in cooperation with the Office for the Handicapped of the Department of Insurance. Any organization which, as determined and certified by the State Vocational Rehabilitation Agency, regularly transports handicapped or visually impaired people, may also apply. ~~The~~ A placard shall be at least 6 inches by 12 inches in ~~size~~ size, and a placard or identification card shall contain all the information the Division of Motor Vehicles deems necessary for ~~purpose of~~ designation and enforcement. ~~The~~ A placard or identification card shall be displayed on the driver's side of the dashboard of a vehicle only when the vehicle is being driven by a duly licensed handicapped driver or is being used to transport handicapped or visually impaired passengers. When the placard or identification card is properly displayed, all parking rights and privileges extended to vehicles displaying a distinguishing license plate issued pursuant to ~~G.S. 20-37.6(b)~~ subsection (b) shall apply. The Division of Motor Vehicles shall establish procedures for the issuance of the distinguishing ~~placards,~~ placards and identification cards, and may charge a fee sufficient to pay the actual cost of issuance. ~~Two~~ A combination of two placards or identification cards may be issued to an applicant on request. Applicants who are organizations may receive one placard or identification card for each transporting vehicle.

(d) Designation of Parking Places. – Designation of parking spaces for the physically handicapped and the visually impaired on streets and in other areas, including public vehicular areas specified in G.S. 20-4.01(32), shall be by the use of sign R7-8 for multiple parking spaces as shown in the Manual on Uniform Traffic Control Devices, or sign R7-8a for single parking spaces as shown in the N.C. Department of Transportation Supplement to the Manual on Uniform Traffic Control Devices. Nonconforming signs in use prior to July 1, 1979, shall not constitute a violation of G.S. 20-37.6(e)(4) during their useful lives, which shall not be extended by other means than normal maintenance. These nonconforming signs shall be removed and be replaced with conforming signs before January 1, 1989; provided that a sign or symbol painted on the surface of a parking space need not be removed when a conforming sign is erected.

(d1) Unique Properties. – The owner of private property which contains a public vehicular area, on which is to be designated one or more parking spaces for the physically handicapped and the visually impaired, may file a written certification, on a form supplied by the Department of Transportation, that signs conforming to G.S. 20-37.6(d) would not be compatible with the unique visual character of the property. Upon filing of the certification with the Department of Transportation, the owner may cause to

be erected signs of materials and colors different from signs R7-8 and R7-8a. The signs shall be the same size and shape as signs R7-8 or R7-8a, as appropriate, with the same letters, words, numbers and symbols. Such signs shall be deemed to conform to G.S. 20-37.6(d).

- (e) Enforcement of Handicapped Parking Privileges. – It shall be unlawful:
- (1) To park or leave standing any vehicle in a space designated with a sign pursuant to subsection (d) of this section for handicapped persons or visually impaired persons when the vehicle does not display the distinguishing license ~~plate or placard~~ plate, placard, or identification card as provided in this section or a disabled veteran registration plate issued pursuant to G.S. 20-81.4;
  - (2) For any person not qualifying for the rights and privileges extended to handicapped or visually impaired persons under this section to exercise or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license ~~plate or placard~~ plate, placard, or identification card issued pursuant to the provisions of this section;
  - (3) To park or leave standing any vehicle so as to obstruct a curb ramp or curb cut for handicapped persons as provided for by the North Carolina Building Code or as designated in G.S. 136-44.14;
  - (4) For those responsible for designating parking spaces for the handicapped to erect or otherwise use signs not conforming to G.S. 20-37.6(d) for this purpose.

This section is enforceable in all public vehicular areas specified in G.S. 20-4.01(32).

- (f) Penalties for violation.
- (1) A violation of G.S. 20-37.6(e)(1), (2) or (3) is an infraction which carries a penalty of twenty-five dollars (\$25.00) and whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found to be parked in a properly designated handicapped parking space in violation of the provisions of this section, it shall be **prima facie** evidence in any court in the State of North Carolina that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division of Motor Vehicles. No evidence tendered or presented under this authorization shall be admissible or competent in any respect in any court or tribunal except in cases concerned solely with a violation of this section.
  - (2) A violation of G.S. 20-37.6(e)(4) is an infraction which carries a penalty of fifty dollars (\$50.00) and whenever evidence shall be presented in any court of the fact that any such nonconforming sign or markings are being used it shall be **prima facie** evidence in any court in the State of North Carolina that the person, firm, or corporation with ownership of the property where said nonconforming signs or

markings are located is ~~reponsible~~ responsible for violation of this section. Building inspectors and others responsible for North Carolina State Building Code violations specified in G.S. 143-138(h) where such signs are required by the Handicapped Section of the North Carolina State Building Code, may cause a citation to be issued for this violation and may also initiate any appropriate action or proceeding to correct such violation.

- (3) A law-enforcement officer, including a security officer who has authority to enforce laws on the property of his employer as specified in Chapter 74A, may cause a vehicle parked in violation of this section to be towed; and such officer shall be a legal possessor as provided in G.S. 20-161(d)(2). This law-enforcement officer, or security officer, shall not be held to answer in any civil or criminal action to any owner, lienholder or other person legally entitled to the possession of any motor vehicle removed from such space pursuant to this section, except where such motor vehicle is willfully, maliciously, or negligently damaged in the removal from aforesaid space to place of storage.
- (4) Notwithstanding any other provision of the General Statutes, the provisions of this section relative to handicapped parking shall be enforced by State, county, city and other municipal authorities in their respective jurisdictions whether on public or private property in the same manner as is used to enforce other parking laws and ordinances by said agencies."

Sec. 4. This act is effective upon ratification. Section 1 applies to each affected person on the date of the first subsequent regular renewal of the person's existing plate, or upon the date of the subsequent regular issuance of the person's first plate. Section 2 applies to special plates issued for the 1990 registration year and following years.

In the General Assembly read three times and ratified this the 11th day of August, 1989.